

Message Text

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ORIGIN L-01

INFO OCT-01 SS-14 ISO-00 ARA-06 IO-03 EB-03 EUR-08 NSC-05

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DRAFTED BY L:SMSCHWEBEL:CDJ

APPROVED BY T:CEMAW

ARA/MEX:ESHIPPY

IO/CMD:RPOOLE

EB/OT/GCP:DDUNFORD

ARA:WROGERS

IO:JMCDONALD

TREASURY:MBRADFIELD

S/S:REWOODS

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O R 161932Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO IMMEDIATE

INFO USMISSION USUN NEW YORK

USMISSION EC BRUSSELS

USMISSION OECD PARIS

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C O N F I D E N T I A L STATE 253488

LIMDIS

TAGS: EGEN, UNCTAD

SUBJ: CHARTER OF ECONOMIC RIGHTS AND DUTIES

1. USG HAS NOW RECEIVED AND REVIEWED LATEST DRAFT OF GROUP OF 77 OF CERDS. REQUEST EMB TO CALL ON FONMIN AT HIGHEST AVAILABLE LEVEL, IF POSSIBLE BEFORE NOV 19, TO EXPRESS DISAPPOINTMENT OF USG WITH THE TERMS OF THAT DRAFT. YOU SHOULD NOTE THAT WE APPRECIATE THAT VIRTUALLY ALL PROVISIONS HERETOFORE AGREED AD REFERENDUM HAVE BEEN RETAINED. BUT G-77 HAS RESOLVED NEARLY ALL CONTESTED POINTS IN ITS FAVOR. IN PARTICULAR, ART 2 ON FOREIGN INVESTMENT IS AS EXTREME A PROPOSAL
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AS G-77 HAS PRESSED IN WHOLE COURSE OF NEGOTIATIONS

AND IS MOST UNACCEPTABLE TO USG. IT REPRESENTS A DISHEARTENING RETREAT FROM THE REALM OF COMPROMISE IN WHICH NEGOTIATIONS WERE TAKING PLACE AT LAST ROUND IN NY. THE MOST NOTABLE OF OTHER UNACCEPTABLE PROVISIONS ARE THOSE OF ART 16 ON RESTITUTION AND FULL COMPENSATION FOR ALLEGED RAVAGES OF COLONIALISM ETC. AND ART 5 ON PRODUCERS' ASSOCIATIONS. THERE ARE MULTIPLE OTHER SUBSTANTIAL DIFFICULTIES PRESENTED BY G-77 DRAFT, INCLUDING PREAMBULAR REFS WHICH WOULD GIVE IMPRESSION THAT CERDS IS AN INSTRUMENT OF INT'L LAW.

2. YOU SHOULD STATE THAT, AS SOON AS USG HAS HAD OPPORTUNITY TO CONSULT WITH OTHER GROUP B STATES, IT WILL WELCOME RENEWED NEGOTIATIONS ON CHARTER IN HOPE OF REACHING AGREEMENT ON IT. HOWEVER, THE G-77 DRAFT DOES NOT BRIGHTEN THAT HOPE. IF IT WERE TO BE PRESSED TO A VOTE, USG WOULD, TO ITS PROFOUND REGRET, FEEL CONSTRAINED TO VOTE AGAINST IT AS A WHOLE. KISSINGER

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